

AYABE, CHONG, NISHIMOTO,
SIA & NAKAMURA
A Limited Liability Law Partnership

CIRCUIT COURT
STATE OF HAWAII
FILED:

February 19 AM 10:21

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DENNIS WARREN, ESQ.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

KELLEY WOODRUFF, M.D. and	)	CIVIL NO. 02-1-0090-01 BIA
HAWAII CHILDREN'S BLOOD AND	)	(Other Civil Action)
CANCER GROUP,)	
Plaintiffs,	)	ORDER DENYING PLAINTIFFS'
vs.	)	MOTION FOR HRCP RULE 54(b)
HAWAII PACIFIC HEALTH;	)	CERTIFICATION OF ORDER DENYING
KAPI'OLANI MEDICAL SPECIALISTS;	)	PLAINTIFFS' RENEWED AMENDED
KAPI'OLANI MEDICAL CENTER FOR	)	FIRST MOTION FOR PARTIAL
WOMEN AND CHILDREN; ROGER	)	SUMMARY JUDGMENT FILED MARCH
DRUE; FRANCES A. HALLONQUIST;	)	28, 2006, FILED FEBRUARY 7, 2007
NEAL WINN, M.D.; SHERREL)	
HAMMAR, M.D.; DELOITTE & TOUCHE	)	<u>HEARING:</u>
LLP; DENNIS M. WARREN, ESQ.;	)	DATE: February 27, 2007
JOHN DOES 1-99; JANE DOES 1-99	)	TIME: 9:15 a.m.
DOE ENTITIES 1-20; AND DOE	)	JUDGE: The Honorable Bert I. Ayabe
GOVERNMENTAL UNITS 1-10,)	
Defendants.	)	TRIAL DATE: October 1, 2007
)	
)	

**ORDER DENYING PLAINTIFFS' MOTION FOR HRCP RULE 54(b) CERTIFICATION
OF ORDER DENYING PLAINTIFFS' RENEWED AMENDED FIRST MOTION FOR
PARTIAL SUMMARY JUDGMENT FILED MARCH 28, 2006,
FILED FEBRUARY 7, 2007**

On February 16, 2007, Plaintiffs KELLEY WOODRUFF, M.D. and HAWAII CHILDREN'S BLOOD AND CANCER GROUP's (hereafter "Plaintiffs" and/or "Movants" collectively) filed: (1) Plaintiffs' Motion for HRCP Rule 54(b) Certification of Order Denying Plaintiffs' Renewed Amended First Motion for Partial Summary Judgment filed March 28, 2006, filed February 7, 2007; and, (2) Plaintiffs' *Ex Parte* Motion to Shorten Time for Hearing on Plaintiffs' Motion For HRCP Rule 54(b) Certification of Order Denying Plaintiffs' Renewed Amended First Motion For Partial Summary Judgment filed March 28, 2006, filed February 7, 2007.

On February 27, 2007 at 9:15 a.m., Plaintiffs' Motion for HRCP Rule 54(b) Certification of Order Denying Plaintiffs' Renewed Amended First Motion For Partial Summary Judgment filed March 28, 2006, filed February 7, 2007 came on for hearing before the Honorable Bert I. Ayabe, Judge of the above entitled Court and pursuant to Plaintiffs' request for an expedited hearing. Arleen D. Jouxson, Esq. and Rafael G. Del Castillo, Esq. appeared on behalf of Plaintiffs/Movants. Kenneth S. Robbins, Esq. and John-Anderson L. Meyer, Esq. appeared on behalf of the Defendants HAWAII PACIFIC HEALTH, KAPI'OLANI MEDICAL SPECIALISTS, KAPI'OLANI MEDICAL CENTER FOR WOMEN AND CHILDREN, ROGER DRUE, FRANCES A. HALLONQUIST, NEAL WINN, M.D., and SHERREL HAMMAR, M.D. (hereafter "HPH Defendants" collectively).

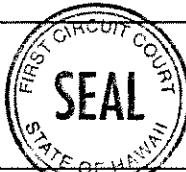
John T. Komeiji, Esq. and Karen Y. Arikawa, Esq. appeared on behalf of Defendant DELOITTE & TOUCHE LLP (hereafter "D&T"). Michael J. Van Dyke, Esq. appeared on behalf of Defendant DENNIS WARREN, ESQ. (hereafter "Mr. Warren").

The Court, having reviewed and considered the memoranda and exhibits submitted by the parties, having heard the arguments of counsel, based upon the applicable law of Hawaii and the records, files, and pleadings herein, and for good cause shown, finds that the Court does not favor piece-meal appeals and that movants have failed to show how the granting of the interlocutory appeal would lead to the speedy termination of the litigation or that a HRCP 54(b) certification is proper.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiffs' Motion for HRCP Rule 54(b) Certification of Order Denying Plaintiffs' Renewed Amended First Motion For Partial Summary Judgment filed March 28, 2006, filed February 7, 2007 is DENIED.

DATED: Honolulu, Hawaii, MAR 15 2007

BERT I. AYABE

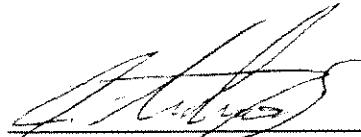


JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Arleen D. Jouxson".

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